



THE MARYLAND-NATIONAL CAPITAL PARK & PLANNING COMMISSION

MEMORANDUM

DATE: September 11, 2003
TO: Montgomery County Planning Board
VIA: Michael Ma, Supervisor *Ma*
Joseph R. Davis, Chief
Development Review Division
FROM: Mary Beth O'Quinn, Planner *mbog*
Development Review Division
(301) 495-4595



REVIEW TYPE: Site Plan Review
(With concurrent Preliminary Plan Amendment 1-03086)
CASE #: 8-03033
PROJECT NAME: Potomac Country Corner
APPLYING FOR: Approval of 29 townhomes in the R-200/TDR-10 Zone
Waiver of requirement for 15% one-family detached homes
REVIEW BASIS: Montgomery County Zoning Ordinance:
§ 59-C-1.393
§ 59-C-1.395, footnote #1
ZONE: R-200/TDR-10
LOCATION: Intersection of Darnestown Road and Hunting Lane
MASTER PLAN: Potomac Subregion
APPLICANT: Porten Companies, Raymond Sobrino
FILING DATE: July 2, 2003
HEARING DATE: September 18, 2002

STAFF RECOMMENDATION: Approval of 29 town homes on 3.93 acres with 22 TDRs, and a waiver for the requirement for 15% one-family detached homes, subject to the following conditions:

1. Stormwater Management
Conditions of revised Stormwater Management Concept approval dated July 2, 2003.
2. Transportation
 - a. Limit the development to 29 townhomes;
 - b. Provide the following amenities at Darnestown Road, subject to review and approval by the Montgomery County Department of Public Works and Transportation (DPWT) and Department of Permitting Services (DPS):
 - i. A sidewalk minimum five feet in width, street trees, street lighting along the property street

- ii. A pedestrian crosswalk across Darnestown Road;
- c. Provide dedication and/or truncation, road improvements, redesigned vehicular and pedestrian entrance at Hunting Lane, per Maryland State Highway Administration recommendations, subject to coordination and review by DPWT, DPS, and MNCPPC Transportation Planning.

3. Signature Set

Prior to signature set approval provide the following information subject to staff review and approval:

a. Site Plan

- i. Provide details of furnishings, fixtures, signage, walls and/or fencing, including materials;
- ii. Provide details of retaining walls and fencing, including top and bottom elevations; all retaining walls must be masonry;
- iii. Provide final architectural street elevations for Unit 1, Unit 18, Unit 19, and Unit 29 facing Hunting Lane; the subject facades must provide windows and brick facing materials for wall fences facing the public roadway;
- iv. Provide documentation from appropriate agencies on utility feed access requirements to all lots on the site; show allowance for rear utility access to all units; show transformers, A/C units, utility lines and feeds on site plan;
- v. Provide the development program inspection schedule;
- vi. Provide street trees 40-50 feet on center along all public streets; coordinate street tree species with Master Plan recommendations;

b. Landscape Plan

- i. Provide methods and locations of tree protection;
- ii. Provide note stating the M-NCPPC staff must inspect tree-save areas and protection devices prior to clearing and grading;

c. Lighting Plan

- i. Provide street lighting plan for Darnestown Road and Hunting Lane, subject review and approval by SHA, DPWT, DPS and MNCPPC staff prior to signature set;
- ii. Provide additional lighting fixtures for the Open Play Area;

d. Recreation Space

- i. Provide a continuous, solid brick wall, six feet in height, with capstone detail, for the following areas:
 - a. Unit 1, Unit 2, Unit 3: starting from the side yard of Unit 1 (facing Hunting Lane) attached to the north house facade, and extending along the rear lot lines of the three units, to the south property line of Unit 3;
 - b. Unit 9, Unit 10, Unit 11: Extending across the rear lot lines of the three units; the wall design must also provide a decorative focal feature;
 - c. Unit 18: starting from the side yard of Unit 18 (facing Hunting Lane) attached to the north house facade, and extending along the rear lot to the unit's south property line;
- ii. Provide special paving for the sidewalks and seating area adjoining the central open green;
- iii. Provide final SWM facility design approval by DPS prior to signature set approval.

4. Site Plan Enforcement Agreement

Submit a Site Plan Enforcement Agreement, Development Review Program and Homeowner Association Documents for review and approval prior to approval of the signature set as follows:

- a. Development Program to include a phasing schedule as follows:
 - i. Streets tree planting must progress as street construction is completed, but no later than six months after completion of the units adjacent to those streets;
 - ii. Community-wide pedestrian pathways and recreation facilities must be completed prior to

- seventy percent occupancy of each phase of the development;
- iii. Landscaping associated with each parking lot and building must be completed as construction of each facility is completed;
- iv. Pedestrian pathways and seating areas associated with each facility must be completed as construction of each facility is completed;
- v. Clearing and grading to correspond to the construction phasing, to minimize soil erosion;
- vi. Coordination of each section of the development and roads;
- vii. Phasing of dedications, stormwater management, sediment/erosion control, recreation, forestation, community paths, or other features;
- b. Forest Conservation Plan shall satisfy all conditions of approval prior to recording of plat.
- c. No clearing or grading prior to site plan approval by the Planning Board.

PROJECT BACKGROUND AND REVIEW ISSUES

During the course of site plan review, the applicant and staff addressed pedestrian and vehicular access to the site and the proposed residential units. The applicant and staff also addressed issues related to amenity and recreation space and the overall layout of the development. As a result of these discussions, the applicant has revised the site plan to include landscaping and a decorative wall that will further define the public space and separate private residences from the recreational amenity. The applicant also has further refined the points of access into the site and the road network to access the various units. Staff is now satisfied that the proposed layout of the development achieves compatibility of design not only within the development but also to the surrounding community.

1. Waiver to allow Development within the Stream Valley

The applicant is requesting a waiver pertaining to §50-32 of the Montgomery County Code. This section pertains to development within 100-year floodplains and stream valleys. Under the Environmental Guidelines, 100-year flood plains must be included in the stream valley buffers. On this particular site, the 100-year floodplain is created when the existing 48-inch culvert is blocked and water passes over the headwall. In the proposed development, the 100-year floodplain is the main street to enter and exit the subject site. If flooding conditions were to occur, it would be confined to the street.

Applicant Position: The applicant is requesting a waiver from the Environmental Guidelines to permit the placement of permanent pervious surfaces in the stream valley buffer. The onsite stream valley buffer is approximately 15,000 square feet, or 0.34 acres of land.

Community Position: At the time of staff report publication, no comment has been received.

Staff Position: Environmental Planning is not opposed to the encroachment into the stream valley buffer. The stream valley buffer is impacted by the previous commercial use. Currently uncontrolled stormwater pollutants are flowing into the stream. The pollutant sources will not be eliminated until the site is prepared for future use such as the proposed development. Environmental Planning is not opposed to the approval of a waiver from §50-32 of the Montgomery County Code and a waiver to the Environmental Guidelines to allow the limited encroachment, as proposed, into the stream valley buffer. [For full discussion, refer to *Memorandum from Environmental Planning Division*, dated September 12, 2003, attached.]

2. Noise Abatement

A noise analysis was conducted for the subject property and revealed that residential units proposed along Darnestown Road would be impacted by noise generated from vehicle traffic.

Applicant Position: The proposed noise mitigation techniques will result in an exterior 2023 noise level of less than 65 dBA Ldn at the façade of the nearest residential unit.

Community Position: At the time of staff report publication, no comment has been received.

Staff Position: The applicant has proposed a number of techniques to mitigate the negative impacts of noise on future residents, including:

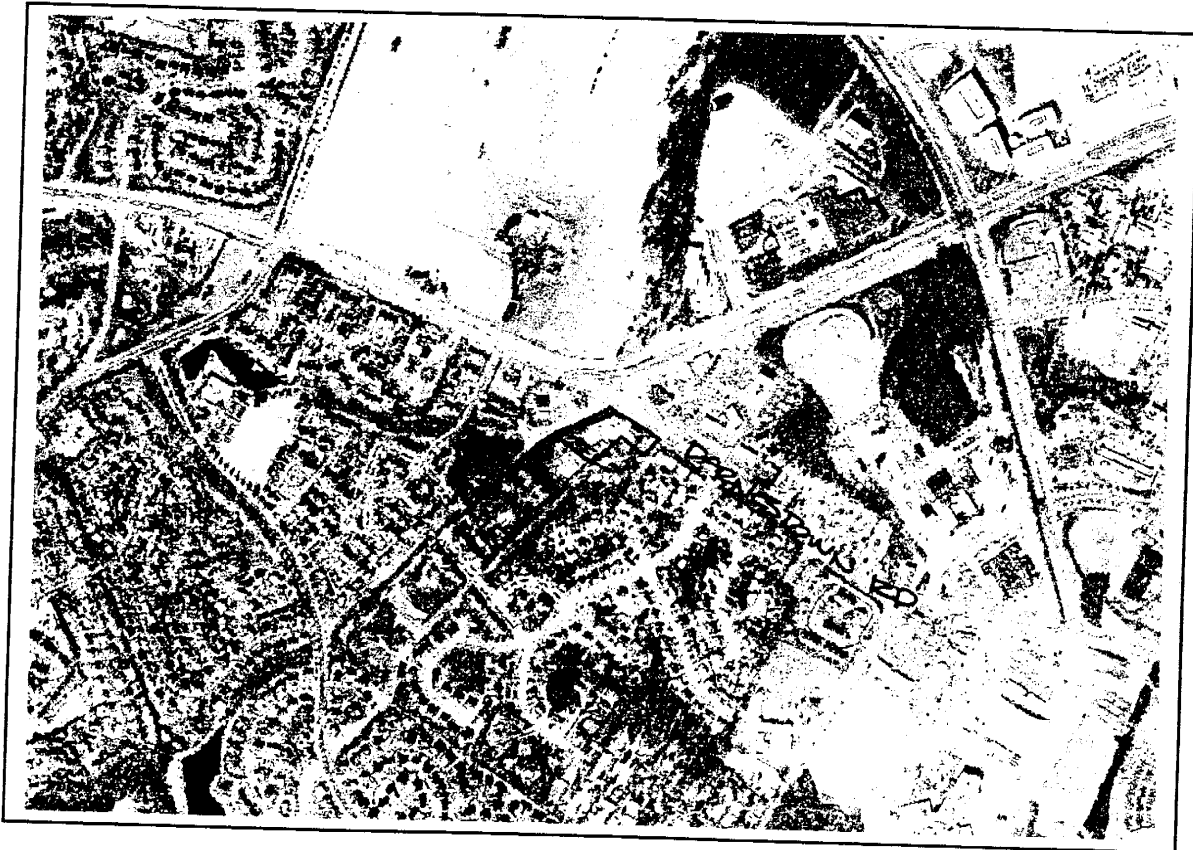
- Locating the residential units, at least 140 feet from the Darnestown Road centerline;
- Siting the units so they face Darnestown Road. This provides a noise-protected environment at the rear of the units;
- Constructing six-foot high noise berms within the area between the front of the residential units and Darnestown Road;
- Creating a forested area between the access road and Darnestown Road to meet the forest conservation plan requirements and provide psychological noise benefits. Foresting, or landscaping, noise generating gives residents

perceived noise mitigation greater than is actually measured. The applicant's noise study concludes that the proposed exterior noise mitigation techniques in combination with good building practices, which are standard in all new developments, will reduce interior noise level to an acceptable level of 45 dBA Ldn.

3. Waiver from the Percentage of Detached Dwelling Units required in the R-200/TDR10 Zone

The Montgomery County Zoning Ordinance, specifically §59-C-1.395, requires that a minimum of 15% of the development in the R-200/TDR 6-10 zones be one-family detached units. Footnote #1 under the Special Provisions for TDR Developments allows the Planning Board to waive the percentage requirements upon a finding that the proposed development is more desirable for environmental reasons or is more compatible with adjacent development than that which would result from adherence to these standards.

Applicant Position:	The proximity of the proposed development to Darnestown Road and Hunting Lane, together with the site small acreage and constraints, does not lend itself to larger lot development like that found in the R-200 zone.
Community Position:	At the time of staff report publication, no comment has been received.
Staff Position:	The Master Plan specifically recommends low-density townhouse development for the property at densities that are more compatible with the surrounding neighborhood (predominantly low density townhouse development) than one-family detached units. The Master Plan specifically recommends a waiver of the requirements for 15% detached dwelling units as part of the development approval process. Staff supports the applicant's request for a waiver.

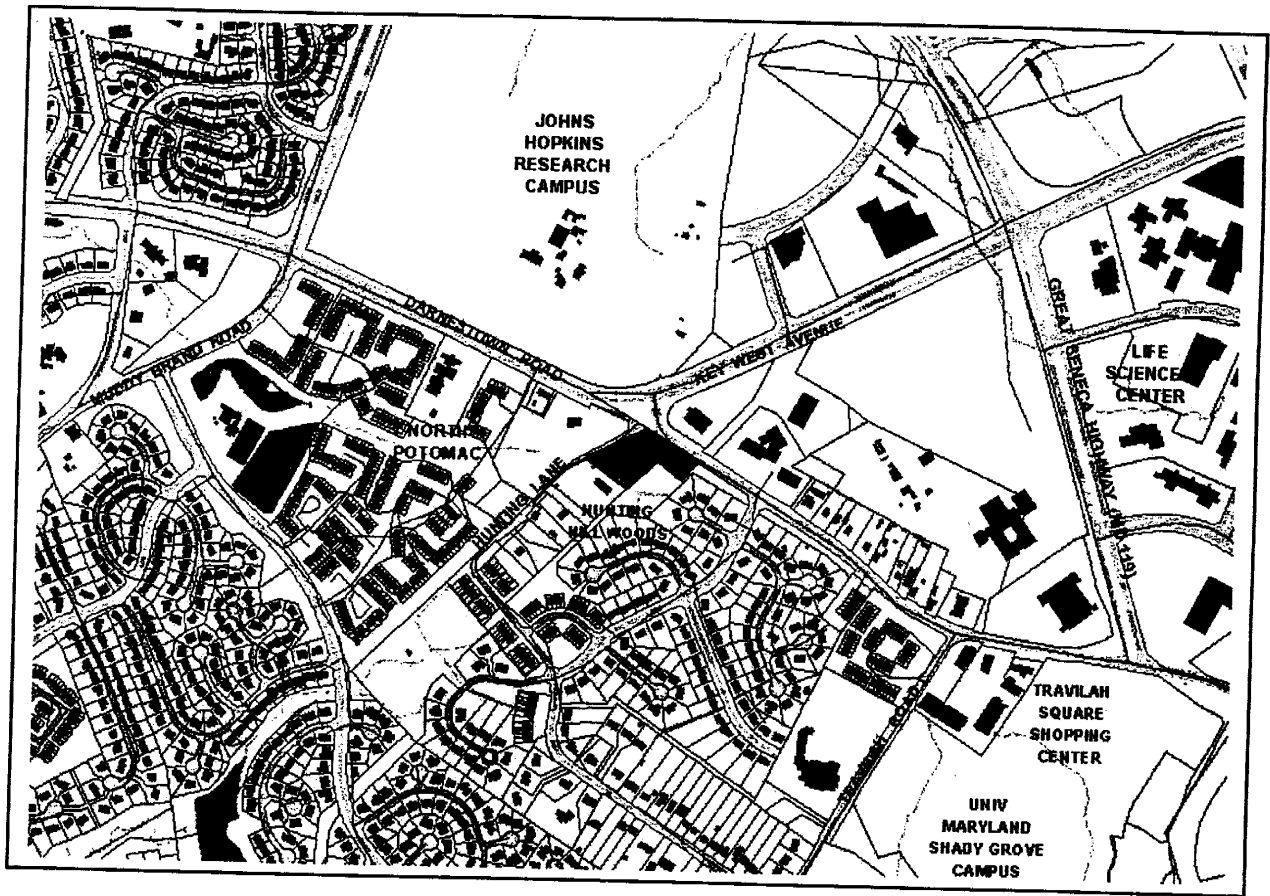


PROJECT DESCRIPTION: Surrounding Vicinity

This 3.93-acre site is located at 10312 and 10304 Darnestown Road, at its intersection with Hunting Lane and Key West Avenue. The uses on the site included a horticultural nursery, permitted by special exception, and, at one time, an interior-decorating store. The uses are situated on several parcels. The property is zoned R-200/TDR-10. Surrounding uses include a proposed church, single family and low-density townhouse residences, and office and commercial development (existing and proposed).

Hunting Lane is a secondary road serving residential development, with connection to both Darnestown Road and Travilah Road. A prescriptive right-of-way exists on Hunting Lane along the property's western property line. Darnestown Road is classified as an arterial east of Key West Avenue and a major highway to the west, the same classification as Key West Avenue. Because Darnestown Road and Key West Avenue serve as major access roads to I-270, regional circulation to and from the site is good.

To the east, a residential subdivision bordering the site is zoned R-200/TDR and to the west, land is zoned R-200 and PD-3. On the northern side of Darnestown Road, land is zoned R & D on the north and west side of Key West Avenue and C-3 and O-M on the east and south side.



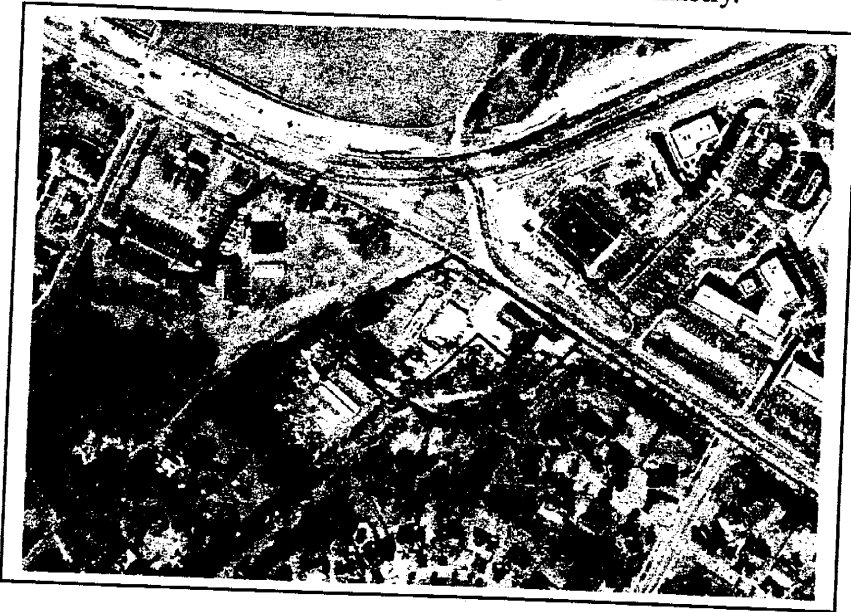
PROJECT DESCRIPTION: Site Description

The 3.93-acre site, rectangular in shape, provides approximately 270 feet of street frontage along Darnestown Road and 645 feet of street frontage along Hunting Lane. The property contains an area of approximately 24,650 square feet, located within the Muddy Branch watershed, a Use I watershed. Detached one-family houses lie to the south and east. Immediately adjacent to the site is a Transcontinental Gas Pipeline.

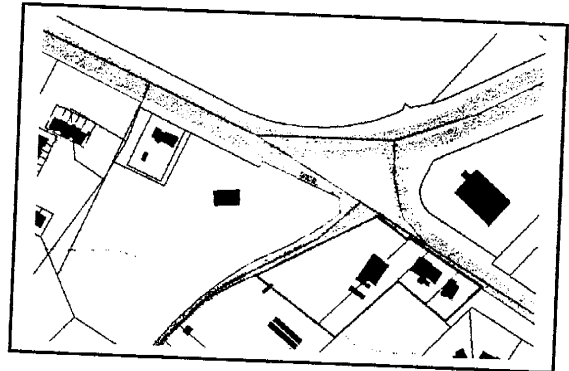
The site was previously used as a gardening center. There are a number of structures on the site including a vacant and converted single-family house, miscellaneous wood shade structures, and greenhouse ruins leftover from the greenhouse business. The single-family house was previously converted into space for two separate businesses. There are no commercial activities presently onsite.

There are no floodplains or wetlands on the property. The adjacent Transcontinental Gas Pipeline property includes a non-vegetated stream and wetland area with associated environmental buffers. A portion of the environmental buffers intrudes onto the site along the southeast property line. The surface waters originate from the nearby single-family subdivision and flow southwest underneath the subject site. Running through the middle of the site is a 20-foot storm drain easement and parallel to this easement is a 20-foot wide WSSC sewer easement. The offsite surface water passes under the subject site within the easements. The water resurfaces as Waters of the United States approximately 250 feet west of the subject property. The site also includes a 0.45-acre low priority pioneer forest consisting of tulip popular and sassafras trees. The trees average 4 to 6 inches diameter at breast height. The forest floor is covered with discarded nursery debris that includes both organic and plastic materials.

The lot is currently occupied by a special exception use for a nursery.



Aerial Photograph showing the property at the intersection of Hunting Lane and Darnestown Road



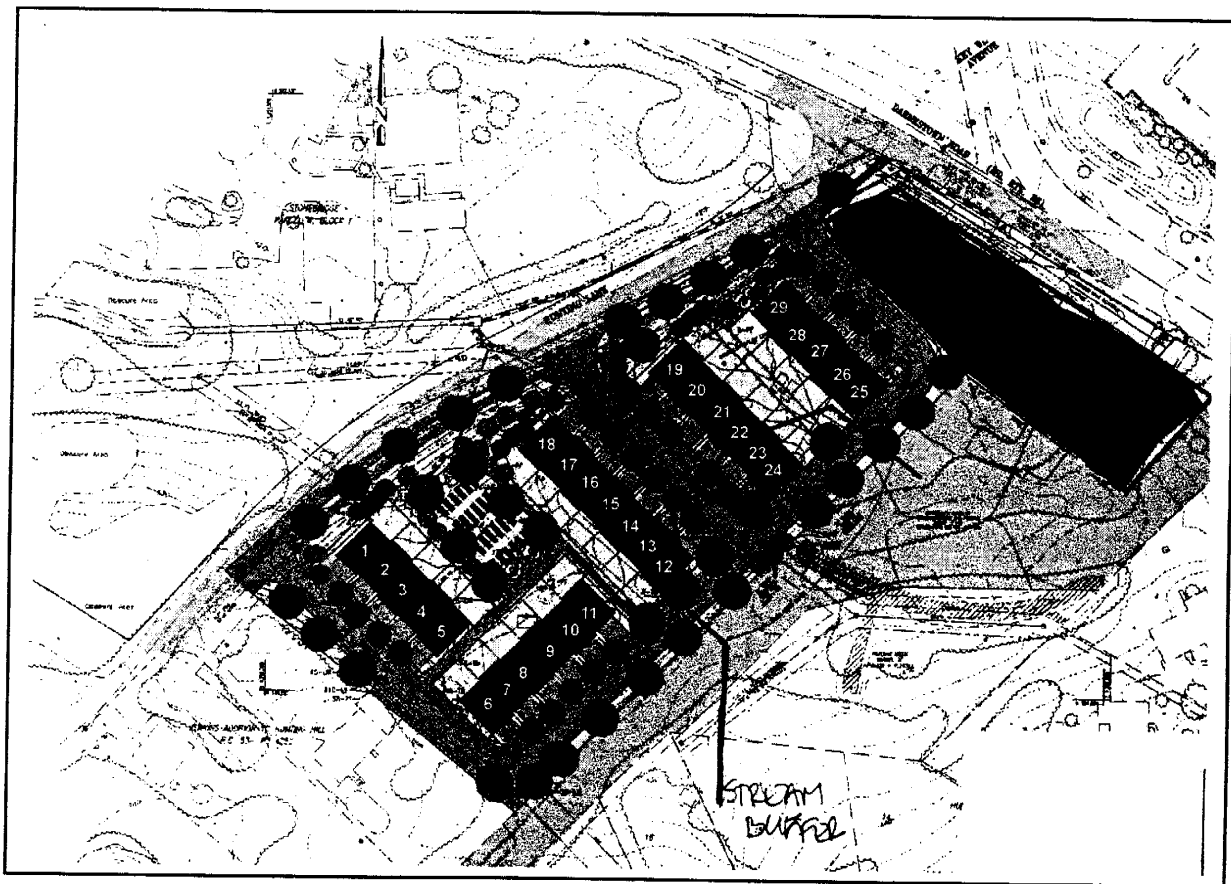
Planametric line drawing showing site boundaries

PROJECT DESCRIPTION: Proposal

The proposal features 29 townhouse units organized in stacked rows, clustered in parallel rows that form tight blocks oriented entirely to the system of three internal streets. The development presents primarily to Hunting Lane, and features a small central green space and, hence, side unit orientation to the public street. The reforestation area along Darnestown Road, 24,650 square feet, supplies a deep setback that mitigates noise while providing natural features for visual buffering.

Primary vehicular and pedestrian access will be served via the two-way internal street at the midpoint of the site; the secondary drives will offer one-way vehicular circulation, with the east drive providing north-bound egress, and the west drive supplying south-bound ingress. No access, either vehicular or pedestrian will be provided from Darnestown Road.

The small central green provides an active recreation space. Facing Hunting Lane, the amenity is surrounded by the backyards of a number of the townhouse units. The applicant is providing a decorative wall and attractive landscaping to separate the public courtyard from the private backyards. This separation also will serve to provide for an aesthetically pleasing view from Hunting Lane. The applicant also is providing adequate landscaping throughout the property.



PROJECT DESCRIPTION: Prior Approvals

This Site Plan is being reviewed concurrently with Preliminary Plan of Subdivision 1-03086. The project was also reviewed as part of Pre-Preliminary Plan No. 7-03005.

ANALYSIS: Conformance to Development Standards

Potomac Country Corner - Site Plan 8-03033 Development Standard - R-200/TDR-10	Required/Permitted	Proposed
Gross Site Area	5.0 acres minimum	3.93 acres
Net Site Area		3.57 acres
Dedication to Public Use		0.36 acres
Lot Area	*	1,968 sf minimum
Unit Mix	15% 1-family detached **	
Density [29 townhouses]	11 units/acre (43 units)	7.379/acre (29 units)
Setbacks		
Building setback from street ROW (shown on Master Plan)	25 feet minimum	25 feet
Side Yard	0 feet	5 feet
Rear Yard	0 feet	15 feet
Adjacent Detached Dwellings		30 feet
Green Area	40%	50%
Building Coverage		35%
Forestation On Site		0.54 acres
Forestation Off Site		0.45 acres
Parking		
Standard spaces - garages	58 spaces	73 spaces
On street	N/A	58 spaces
		15 spaces
TDRs [Base Density: 2 units x 3.93 acres = 7.96]	22 TDRs	22 TDRs
<p>** Section 59-C-1.394 (a) For TDR densities of 3 or more per acres, the lot sizes and other development standards will be determined at the time of preliminary plan and site plan for conformance with applicable master plan guidelines . . .</p> <p>** Section 59-C-1.395, footnote #1 Upon a finding by the Planning Board that a proposed development is more desirable for environmental reasons or is more compatible with adjacent development than that which would result from adherence to these standard, the percentage requirements of a one-family and multiple-family stated herein may be waived.</p>		

ANALYSIS: Conformance to Master Plan

The proposal conforms to Master Plan recommendations for the Potomac Subregion Master Plan, adopted March 5, 2002. The Plan recommends that the property be developed pursuant to the R-200/TDR-10 zoning classification with a maximum of 38 dwelling units. The Master Plan indicates that the property is a suitable location for residential development consistent with the type of development depicted on the Site Plan.

RECREATION AMENITIES:

RECREATION: POTOMAC COUNTRY CORNER 8-03033

DEMAND POINTS	Tots	Children	Teens	Adults	Seniors	TOTALS
<i>per 100 residential units</i>		17	22	18	129	7
PROJECT DEMAND						

27 Townhouses	0.29	4.93	6.38	5.22	37.41	2.03	55.97
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SUPPLY POINTS - ON SITE	Tots	Children	Teens	Adults	Seniors	
Picnic - Sitting (2)	2.00	2.00	30.00	10.00	4.00	
Pedestrian System	0.49	1.28	1.04	16.83	0.91	
Open Play Area II	3.00	4.00	4.00	10.00	1.00	
Natural Area	0.00	0.32	0.52	3.74	0.10	
On Site Total	5.49	7.60	40.79	40.58	8.05	102.49

SUPPLY POINTS - OFF SITE	Tots	Children	Teens	Adults	Seniors	
Fairland Regional Park						
Picnic & Sitting	2.00	2.00	30.00	10.00	4.00	
Pedestrian System	0.72	1.44	1.44	62.37	37.26	
Open Play Area II	3.00	4.00	4.00	10.00	1.00	
Off Site Total	5.72	7.44	35.44	82.37	42.26	130.97

SUPPLY/DEMAND RATIOS	Tots	Children	Teens	Adults	Seniors
On Site Ratio	111.42%	119.04%	781.34%	108.46%	396.31%
Off Site Ratio	116.02%	116.61%	678.93%	220.18%	110.03%

FINDINGS for Site Plan Review:

1. *The site plan is consistent with an approved development plan or a project plan for the optional method of development, if required. Not applicable.*
2. *The site plan meets all of the requirements of the zone in which it is located. See Project Data Table above.*
3. *The locations of the buildings and structures, the open spaces, the landscaping, recreation facilities, and the pedestrian and vehicular circulation systems are adequate, safe and efficient.*
 - a. *Location of Buildings*

The location of the residential units on the site achieves maximum efficiency in allocation of the site area. Unit orientation seemingly defies the traditional street presence achieved in most developments, that is, unit fronts facing the street. In this layout, however, unit rears face Hunting Lane; nevertheless, the considerably skillful design of the central green space enhanced by solid brick walls that articulate this area spatially, along with decorative masonry features and seating mitigate this atypical condition successfully.
 - b. *Open Spaces*

The open space is adequate, safe and efficient. The outdoor recreational area provides an amenity for visitors and residents. The area to be forested will serve as a buffer between the townhouse development and Darnestown Road.
 - c. *Landscaping and Lighting*

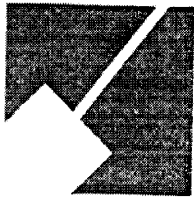
Landscaping and lighting provides an adequate level of safety and attractiveness. The applicant has provided significant landscaping and a decorative wall in the recreational area to buffer the residents from the recreational area. The buffer also serves to provide for a visual buffer from Hunting Lane.
 - d. *Recreation*

The proposed recreational amenities exceed the requirements for townhouse developments, as per the *M-NCPPC Recreation Guideline, 2002 edition*.
 - e. *Vehicular and Pedestrian Circulation*

The vehicular and pedestrian circulation is adequate, safe and efficient. The driveway design and access points of off Hunting Lane are and efficient and provides increased public safety by eliminating any entry to the property off of Darnestown Road. Access to the individual housing units is safe and efficient and the internal road network is adequate. The comprehensive system of pedestrian connections to the recreational areas within the site are highly visible and accessible.
4. *Each structure and use is compatible with other uses and other site plans and with existing and proposed adjacent development.*

The existing commercial use on the site will be eliminated when the project is developed. The proposed project is compatible in use, scale and design with the surrounding neighborhood. The character of the neighborhood surrounding the site is one of roadway-oriented non-residential uses and inward-facing residential areas. Residential densities in the area vary from single-family homes on half-acre lots to townhouses. The site remains a desirable place for a residential use.
5. *The site plan meets all applicable requirements of Chapter 22A regarding forest conservation.*

The site plan meets all applicable requirements of Chapter 22A regarding forest conservation. The applicant is proposing on-site afforestation in compliance with the Code. [See full discussion, *Memorandum from Environmental Planning Division*, dated September 12, 2003, attached.]



**THE MARYLAND-NATIONAL CAPITAL PARK AND
PLANNING COMMISSION**

Department of Park & Planning, Montgomery County, Maryland
8787 Georgia Avenue, Silver Spring, Maryland 20910

MEMORANDUM

TO: Richard Weaver, Development Review
Mary Beth O'Quinn, Development Review

FROM: Mark Pfefferle, Environmental Planning Division *MP*

DATE: September 12, 2003

SUBJECT: Preliminary Plan 1-03086
Site Plan 8-03033
Potomac Country Corner

The Environmental Planning staff has reviewed the preliminary and site plans referenced above. Staff recommends acceptance of the preliminary and site plan.

Background

The 3.93-acre site located property is located within the Muddy Branch watershed, a Use I watershed near the intersection of Darnestown Road (MD Route 28) and Key West Avenue. The site is bordered by Darnestown Road to the north, Hunting Lane to the west, single-family houses to the south and east. Immediately adjacent to the site is a Transcontinental Gas Pipeline.

The site was previously used as a gardening center. There are a number of structures on the site including a vacant and converted single-family house, miscellaneous wood shade structures, and greenhouse ruins leftover from the greenhouse business. The single-family house was previously converted into space for two separate businesses. There are no commercial activities presently onsite.

There are no floodplains or wetlands on the property. The adjacent Transcontinental Gas Pipeline property includes a non-vegetated stream and wetland area with associated environmental buffers. A portion of the environmental buffers intrudes onto the site along the southeast property line. The surface waters originate from the nearby single-family subdivision and flow southwest underneath the subject site. Running through the middle of the site is a 20-foot storm drain easement and parallel to this easement is a 20-foot wide WSSC sewer easement. The offsite surface water passes under the subject site within the easements. The water resurfaces as Waters of the United States approximately 250 feet west of the subject property. The site also includes a 0.45-acre low priority pioneer forest consisting of tulip popular and sassafras trees. The trees average 4 to 6 inches diameter at

breast height. The forest floor is covered with discarded nursery debris that includes both organic and plastic materials.

The applicant is proposing to remove the existing structures on the site and construct 29 townhouses and associated infrastructure. The property is zoned R-200 TDR 10.

Forest Conservation

The property includes 0.45-acres of low priority forest. The forest is dominated by young (4 to 6 inch diameter) tulip and sassafras trees. The ground cover includes many invasive plants and the Natural Resource Inventory/Forest Stand Delineation estimates that as much as 75 percent of the herbaceous layer is covered by invasive plants. In addition, the ground is heavily littered with organic nursery debris and plastic materials.

The total forest planting requirements for the subject site is 0.99 acres. The applicant is proposing to meet the forest conservation plan requirements through a combination of planting 0.54-acres of forest onsite and the remainder offsite. The 0.54-acre planting area is sufficient to meet the appropriate threshold onsite.

Environmental Buffers

The applicant is requesting a waiver from Section 50-32 of the Montgomery County Code. This section pertains to development within 100-year floodplains and stream valleys. Under the Environmental Guidelines, 100-year flood plains must be included in the stream valley buffers. On this particular site, the 100-year floodplain is created when the existing 48- inch culvert is blocked and water passes over the headwall. In the proposed development, the 100-year floodplain is the main street to enter and exit the subject site. If flooding conditions were to occur, it would be confined to the street.

The applicant is requesting a waiver from the Environmental Guidelines to permit the placement of permanent pervious surfaces in the stream valley buffer. The onsite stream valley buffer is approximately 15,000 square feet, or 0.34 acres of land. The applicant's justification for this encroachment is attached. In this site plan, Environmental Planning is not opposed to the encroachment into the stream valley buffer. The stream valley buffer is impacted by the previous commercial use. Currently uncontrolled stormwater pollutants are flowing into the stream. The pollutant sources will not be eliminated until the site is prepared for future use.

Environmental Planning considered requiring the applicant to protect and restore the stream buffer. However, the portion of the stream immediately upstream of the site is in a gas easement and the stream is in a concrete flume. This portion of the stream cannot be restored by this applicant. Transcontinental gas line properties typically remain free of all woody material. This inhibits the opportunity to provide a wooded riparian habitat in this section of the stream. The stream is also underground for approximately 250 feet downstream of the subject property. Protecting the stream buffer on the subject property and/or restoring the stream through day lighting practices would not result in an optimal situation. Water upstream of the subject property would go from an above ground

concrete flume with no forest cover to a restored riparian environment to an underground culvert. The potential benefits by restoring the stream cannot be quantified because of the immediate upstream and downstream impacts that appear permanent.

If the stream valley buffer that is currently on the site were to be protected and converted to forest the benefit would also be limited because the underground culvert would remain.

Approximately 6,000 square feet of land within the stream valley buffer drains to the surface water within the stream valley buffer. The remainder of the land within the stream valley buffer flows to the existing stormwater conveyance systems along Hunting Lane and Darnestown Road. The proposed development must capture and treat all stormwater generated on the property.

Environmental Planning is not opposed to providing a waiver for Section 50-32 of the Montgomery County code and a waiver to the Environmental Guidelines for permitting the limited encroachment into the stream valley buffer.

Noise

A noise analysis was conducted for the subject property and revealed that residential units proposed along Darnestown Road would be impacted by noise generated from vehicle traffic. The applicant has proposed a number of techniques to mitigate the negative impacts of noise on future residents, including:

- Locating the residential units, at least 140 feet from the Darnestown Road centerline.
- Siting the units so they face Darnestown Road. This provides a noise-protected environment at the rear of the units.
- Constructing six-foot high noise berms within the area between the front of the residential units and Darnestown Road.
- Creating a forested area between the access road and Darnestown Road to meet the forest conservation plan requirements and provide psychological noise benefits. Foresting, or landscaping, noise generating gives residents perceived noise mitigation greater than is actually measured.

The proposed noise mitigation techniques will result in an exterior 2023 noise level of less than 65 dBA Ldn at the façade of the nearest residential unit. Because the applicant has reduced exterior noise levels through various techniques, no additional acoustical treatments are necessary to reduce the interior noise levels to an acceptable level. The applicants noise study concludes that the proposed exterior noise mitigation techniques in combination with good building practices, which are standard in all new developments, will reduce interior noise level to an acceptable level of 45 dBA Ldn.

Charles P. Johnson & Associates, Inc.

Planners Engineers Landscape Architects Surveyors



Silver Spring, MD

Frederick, MD

Fairfax, VA

September 10, 2003

Mark Pfefferle
MNCPPC
8787 Georgia Avenue
Silver Spring, MD 20910

Re: Potomac Country Corner
1-30186
8-03033

Dear Mark:

On behalf of our client, Porten Homes, we are requesting a waiver of section 50-32, Chapter 50 of the Montgomery County Code. This section pertains to development of stream valley buffers.

The Potomac Country Corner site has been utilized as a commercial nursery for many years. The existing stream valley buffer, as shown on the approved Natural Resources Inventory and Forest Stand Delineation Map (4-03167), has been previously developed with paving, compacted vehicle parking areas, storage bins and other structures and for all practical purposes is 80% impervious. Only the very edge of the property line has allowed any sort of plant growth to penetrate this compacted and paved area. Of the approved stream valley buffer, only about 6,000 sf (or 40%) drains towards the stream. The existing storage bins in this area contain mulch, gravel and crushed gravel. All of these have a high particulate matter associated with them. Currently, drainage from these areas flows into the stream without any treatment of runoff. The original stream was piped thru the site via a 48" concrete pipe under permit with Montgomery County by the previous nursery owner and is currently a Montgomery County maintained storm drain system. The existing 48" pipe has a concrete channel at the upstream headwall and the channel area is not in a pristine condition. The drainage to this channel is approximately 50 acres so it is not at the headwater of the stream.

In considering the development of the property, there were many elements to weigh. From an environmental standpoint, the stream valley buffer, noise mitigation from Darnestown Road, and forest attenuation were issues which had to be addressed. Setting the units further back from Darnestown Road leaves a large area at the front of the site that, with berming and foresting, enhances noise attenuation. This area is adjacent to an existing open space parcel that is currently wooded and creates a large contiguous forested area separating the existing adjacent development. Furthermore, this area currently has paving and buildings which drain, untreated, to the stream valley buffer in question. By providing forested green space in this area, the quality of the runoff to the stream valley is improved and a large forest area adjacent to Darnestown Road is provided for all to see and enjoy.

The existing stream valley buffer, in its existing denigrated state, has only about 40% of its area draining to the stream and is 80% impervious. By use of grading and site layout, the area of the stream

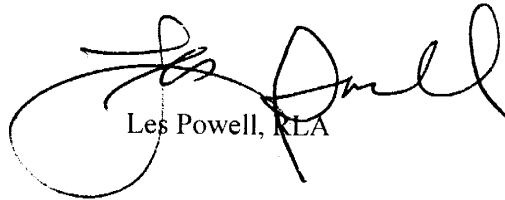
Mark Pfefferle
MNCPPC
Re: Potomac Country Corner
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valley buffer draining towards the stream is reduced by 90%. The green space percentage within the stream valley buffer is doubled to 40% from the existing 20%. Furthermore the site runoff will be treated in a Montgomery County DPS approved storm water management system. There is a significant improvement in environmental quality in the development of the property.

In the final analysis, we feel that increasing the green space percentage within the stream valley buffer, removal of the existing untreated impervious runoff to the buffer, foresting and berming of the existing paved/building area, and treating the site runoff in a Montgomery County approved storm water management system, provides for significantly a higher quality of runoff to the stream and provides a more sound environmental development, thus justifying the waiver.

If you have any questions, please feel free to call me at (301) 434-7000. Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Les Powell', with a large, stylized flourish at the end.

Les Powell, RLA